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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

03 JUL 1985

REPORT TO THE AGENCY

5HE-12

Certified Mail
Return Receipt Requested

Generic

Re: Miami County Landfill

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) has documented the releases or threatened releases of hazardous substances, pollutants and contaminants at the above referenced site, and is planning to spend public funds to control and investigate these releases. The site is located approximately two miles north of the City of Troy along the east side of County Road 25A. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq., unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

Based on data we received during our investigation concerning the hazardous substances at this site, EPA has information that indicates that you and/or your firm may be a responsible party. Before the government undertakes necessary action at the site, we would like to know if you will voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants, and contaminants from the site. You should be aware that under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substance, you may be liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the site, including investigation, planning and enforcement.

The EPA is conducting the following studies at the above site:

1. Further investigation to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, and surface water contamination at and from the site, and
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site or which have moved from the site.

In addition to the above studies, other corrective measures may be necessary to protect public health, welfare or the environment. These corrective measures may include, but are not necessarily limited to:

1. Implementation of initial remedial measures e.g., securing the site to prevent contact with any potentially hazardous or toxic materials at the site and/or removal of contaminated material from the surface;
2. Designing and implementing the U.S. EPA approved remedial option for both the contaminated groundwater and soil;
3. Providing any monitoring and maintenance necessary after remedial measures have been completed.

If you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. You should report, however, the status of those discussions or that action in a letter. Please provide a copy of your letter to any other parties involved in those discussions. Also, please indicate if you or your representative plans to attend a meeting between EPA and the potentially responsible parties, to be held in Chicago on August 9, 1985, to discuss this matter and to provide EPA with more detailed specifications as to the required work.

Your letter should be sent to:

John Oaks
U.S. EPA - Region V
Waste Management Division
Hazardous Waste Enforcement Branch
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

Mr. Oaks can also be reached by telephone at (312) 886-4745.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(4) of CERCLA, 42 U.S.C. 9601(4), to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above referenced site.
2. A detailed description of the generic common and/or trade name and the chemical composition and character of the waste material offered by you for transportation to, storage, and/or disposal at the above referenced site.
3. For each hazardous substance identified above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged disposal, and list when disposal occurred.
4. What arrangements were made to transport your hazardous substances to the above referenced site?
5. Who was the transporter of your hazardous substances, what was his previous address, and what is his current address?
6. Copies of all records, including analytical results, and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced site or offered for transportation to, storage, or disposal at the site.

7. A list and description of all liability insurance coverage that is and was carried by you including any self-insurance provisions, that/relates to hazardous substances and/or the above referenced site and copies of all of these insurance policies.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the site. The relevant time period for this request is from 1968 through the present.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off specification materials of any kind.

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. 6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 CERCLA, 42 U.S.C. 9604 may result in a civil enforcement action being brought against you by EPA.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. 1001.

Your reply to request for information under Section 104 of CERCLA and Section 3007 of RCRA should be considered separate and distinct from that relating to participation in response activities at the site. It should also be sent to the address listed above.

If you need further information regarding our information request, you may contact Anthony Holoska of our Hazardous Waste Enforcement Branch at (312) 886-4749, or if you have any legal questions, contact Ms. Anne Alonzo, Assistant Regional Counsel at (312) 886-6729, or Jonathan McPhee, Assistant Regional Counsel at (312) 886-6837.

Due to the nature of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response with the time frame specified herein. We hope that you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Basil G. Constantelos", is written over the typed name.

Basil G. Constantelos, Director
Waste Management Division